

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: SUSAN L. BENNETT : **Chapter 13**
a/k/a Susan Lynn Bennett :
a/k/a Susan Bennett : **Bankruptcy No. 17-17111-ref**
Debtor :

**OBJECTION TO PROOF OF CLAIM NO. 2 FILED BY
DITECH FINANCIAL LLC FKA GREEN TREE SERVICING LLC**

AND NOW COMES the Debtor, SUSAN L. BENNETT, by and through her attorney, JOSE C. CAMPOS, ESQUIRE, and object to the Proof of Claim #2 filed by Ditech Financial LLC fka Green Tree Servicing LLC, and in support thereof, aver the following:

1. Debtor filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code on October 19, 2018, to the above-captioned case number.

2. Ditech Financial LLC fka Green Tree Servicing LLC (“Ditech”) filed Proof of Claim #2 on November 29, 2017, asserting a claim in the sum of \$173,155.51 and an arrearage of \$42,037.96. A true and correct copy of the Proof of Claim #2 (Claim pages 1-7 and Exhibit pages 37-46) is attached hereto as Exhibit “A”.

3. The Debtor objects to the following items as they appear under Part 2: Total Debt Calculation, as follows:

Fees, costs due: \$6,511.73, specifically the following as they appear on the Invoices of KML Law Group, P.C. , Pages 37 through 46 of the Exhibit:

<u>Invoice Date</u>	<u>Amount</u>		<u>Service Description</u>
7/07/17	\$1,500.00	-	Sale Costs – Sheriff’s Costs
3/20/17	-	\$ 322.50	- Review Answer/prepare Affidavit
3/20/17	-	\$ 430.00	- Prepare for and attend conference
2/14/17	-	\$ 250.00	- Property Registration fees
9/29/16	-	\$ 375.00	- Conciliation/Mediation conference (2 nd conference)
7/25/16	-	\$ 700.00	- Conciliation/Mediation conference (1 st conference)

The Debtor is employed as a paralegal specializing in bankruptcy/foreclosure and attended, pro se, the conciliation conference held on July 25, 2016 and the Status Conference held on March 16, 2017. Local counsel for KML Law Group, P.C. was present during both of these court appearances. During the July 25, 2016 conciliation conference, KML's local counsel had a number of other cases called before and after Debtor's case to which he was a party. Therefore, the Debtor believes the fees charged for the July 25, 2016 attendance of \$700.00 and September 29, 2016 attendance of \$375.00 are in excess of the time actual expended.

The Debtor was present at the Status Conference held on March 16, 2017 and billed for March 20, 2016. Due to inclement weather, very few cases were heard by the presiding Judge Douglas G. Reichley and both the Debtor and KML's local counsel had concluded the conference within 10 minutes of their arrival. In addition, the Debtor believes that the time expended for reviewing the Answer and preparing the Status Conference Memorandum, a one-page summary document, of \$322.50 are excessive.

The Debtor seeks clarification as to the fees charged on February 14, 2017 of \$250.00 for property registration fees.

Finally, the Debtor has confirmed that a refund of the Sheriff's deposit was issued to Ditech Financial LLC in the sum of \$550.29 on January 26, 2018.

4. The Debtor objects to the following items as they appear under Part 3: Arrearage as of Date of the Petition, specifically Prepetition fees due of \$6,511.73 for the reasons as listed in paragraph 3 hereof.

WHEREFORE, the Debtor must object to Proof of Claim No. 2 filed by Ditech Financial LLC fka Green Tree Servicing LLC and request that this Honorable Court enter an Order:

- (1) dismissing Proof of Claim No. 2 of Ditech Financial LLC;
- (2) requiring Ditech to adjust the claim amount and the arrearage amount to reflect the sheriff's refund of \$550.29 and to eliminate any excessive fees and costs due as listed under paragraph 3 of this Objection; and
- (3) grant such other relief as the Court may deem just and proper.

Dated: April 12, 2018

Respectfully submitted,

/s/ Jose C. Campos
JOSE C. CAMPOS, ESQ.
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